

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ARTURO R. REYES,

Plaintiff,

v.

WASHINGTON STATE PATROL,

Defendant.

Case No. C08-5024RJB-KLS

REPORT AND
RECOMMENDATION

Noted for July 11, 2008

Plaintiff is a state prisoner currently incarcerated at the Federal Detention Center, located in Sheridan, Oregon. This matter is before the Court on plaintiff's failure to respond to the undersigned's order to show cause regarding his deficient complaint. (Dkt. #9). After a review of the record, the undersigned submits the following report and recommendation, recommending the Court dismiss this action for failure to respond to the undersigned's order to show cause.

DISCUSSION

On March 27, 2008, the undersigned issued an order informing plaintiff that his amended complaint was deficient, and directing him to file by no later than April 26, 2008, a second amended complaint curing, if possible, that deficiency, or show cause why this matter should not be dismissed. (Dkt. #9). In a letter addressed to the Clerk, which was dated April 23, 2008, and which was filed on April 28, 2008, plaintiff stated that because he recently had been transferred to a federal prison in Oregon, he only received the undersigned's order on April 22, 2008. (Dkt. #14). As such, plaintiff requested a 30-day extension of time to respond to the undersigned's order to show cause.

1 On May 5, 2008, although not properly noted as a motion, the undersigned found plaintiff's
2 request to be not unreasonable, and thus granted his request for an extension of time until June 4, 2008, in
3 which to respond to the order to show cause. To date, however, the Court has received no such response
4 from plaintiff to that order.

5 CONCLUSION

6 Because plaintiff has failed to respond to the undersigned's order to show cause (Dkt. #9), and
7 because his complaint remains deficient for the reasons set forth herein, the Court should dismiss this case
8 with prejudice.

9 Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rules of Civil Procedure ("Fed. R. Civ. P.") 72(b),
10 the parties shall have ten (10) days from service of this Report and Recommendation to file written
11 objections thereto. See also Fed.R.Civ.P. 6. Failure to file objections will result in a waiver of those
12 objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit
13 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set this matter for consideration on **July 11,**
14 **2008**, as noted in the caption.

15 DATED this 18th day of June, 2008.

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19 Karen L. Strombom
20 United States Magistrate Judge
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